

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
An Internal Audit of the Texas Homeownership Program
Audit Report # 22-003

Executive Summary

The Office of Internal Audit (OIA) reviewed the Texas Homeownership Program at TDHCA and found that it has been consistently successful in providing loanable funds to qualified individuals both when allocated through Single Family Revenue Bonds issue or via Taxable Mortgages. Since 2020, the Program has funded approximately \$5 billion in primary mortgages, down payment assistance and mortgage credit certificates, assisting 24,750 Texas homebuyers to purchase their own homes, with 98% buying a home for the first time.

Program Accomplishments

- On-boarded 28 new mortgage lending institutions with 10 additional lenders in process of approval and issued approximately 4,800 new user credentials to loan officers and other lender staff for access to the loan reservation portal;
- 52,497 Potential borrowers completed the TDHCA free, online Homebuyer Education Courses;
- Launched a monthly “Lender Lunch and Learn” series and provided specific programmatic training to approximately 2,200 lender staff (loan officers, processors, underwriters, closers, shippers, etc.);
- Trained over 400 Affordable Housing Specialist Realtors in collaboration with the Texas Association of Realtors from 2020-2022;
- Partnered with local Housing Finance Corporations (HFC) to assist with generating awareness of their homeownership options. Through the initiative, the HFC was able to assist homeowners in their jurisdiction by providing over \$112,000 in additional down-payment assistance;
- Launched a new dynamic website- www.TheTexasHomebuyerProgram.com. The website is mobile friendly and provides helpful tools for consumers, lenders, Realtors and housing counselors. Upgraded the Homebuyer Education portal with increased accessibility components for hearing impaired homebuyers and edited components explaining required FICO scores for Homeownership programs to reflect current guidelines; and
- Completed a comprehensive Strategic Marketing Analysis; currently integrating many of the suggested improvements to the Texas Homebuyer Program website as an ongoing project, including providing more targeted referral lists for Realtors and Lenders who are specialists in affordable home buying.

Observations

1. OIA recommends that segregation of duties between authorization, asset custody, recordkeeping, and reconciliation be maintained to ensure the Program meets its stated goals and objectives. Should these duties be combined in the future, additional compensating controls may be necessary to avoid undue risk to TDHCA.
2. OIA recommends that the TSHEP educational program be reviewed to determine strategy for implementation as in-person activities have resumed.
3. OIA recommends that the Program staff continue with its efforts to manage the tracking of the lender approval documents along with retention of the underlying files.
4. OIA recommends increased frequency of monitoring of reservations as they reach the amount determined by Bond Finance, coordinated with Texas Homeownership Program management. In addition, targeted area allocations should be reviewed consistent to the monitoring of loan reservations, at the same frequency.
5. Exceptions to stated policy and contract obligations should be tracked and analyzed to determine the number of exceptions and their impact so that appropriate changes may be made where necessary.
6. OIA recommends that management determine if the benefits of maintaining detailed records for loans on both the IHFA and TDHCA systems outweighs the costs of doing so. If not, then current resourcing could be allocated to more necessary tasks.
7. Due to the manual nature of the process, OIA recommends that the Division implement a secondary review of the MCCs prior to mailing.

Observations (continued)

8. OIA recommends that the Procurement Division continue its efforts to improve the RFP process including monitoring of contract expiration dates, timing of RFPs, and training evaluators about their responsibilities within the process. Technological solutions should be considered.
9. Vendor management monitoring should be strengthened with a risk-based assessment of each contract and management decision on how the contract is monitored; then implemented as deemed necessary.
10. OIA recommends that the Texas Homeownership Program staff establish written SOPs for appropriate processes, signed and dated by management, for consistency and efficiency of the operation.

Management Response

Management agreed with our recommendations. Detailed responses are included in the body of the report.

Objectives, Scope and Methodology

OIA assessed current compliance with the Texas Government Code Chapter 2306 *Texas Department of Housing and Community Affairs* (TGC) and Texas Administrative Code (TAC) 1 Part 10, Chapters 27 *Texas First Time Homebuyer Program Rule* and 28 *Taxable Mortgage Program* (TMP); reviewed activities of the internal resources dedicated to the Program; validated the process of creating and mailing Mortgage Credit Certificates (MCC); evaluated vendor procurement, management and monitoring procedures; evaluated available Homebuyer Education courses; and reviewed current program specific Standard Operating Procedures (SOP).



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Director, OIA

6/6/2022
Date Signed



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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Board Members of the Texas Department of Housing and Community Affairs (TDHCA)

RE: INTERNAL AUDIT OF THE TEXAS HOMEOWNERSHIP PROGRAM

Dear Board Members:

This report presents the results of the Office of Internal Audit (OIA) "*Review of the Texas Homeownership Program*". This audit was conducted in accordance with applicable audit standards. It included the objectives to explain the structure of the Texas Homeownership Program, its use of vendors for key processes and to evaluate the administrative and internal control procedures related to this program.

The Texas Homeownership Program rated high on the risk assessment and was included in the approved Fiscal Year 2022 audit work plan due to lack of any prior audits by OIA.

This report includes the following sections:

- A. Audit results
- B. Background
- C. Scope and methodology
- D. Key Accomplishments of the Texas Homeownership Program
- E. Structure of the Texas Homeownership Program
- F. Processes and flow of transactions
- G. Testing and review
- H. Other audit work

A) AUDIT RESULTS

OIA reviewed the Texas Homeownership Program at TDHCA and found that it has been consistently successful in providing loanable funds to qualified individuals both when allocated through Single Family Revenue Bonds issue or via Taxable Mortgages. Since 2020, the Program has funded approximately \$5 billion in primary mortgages, down payment assistance and mortgage credit certificates, assisting 24,750 Texas homebuyers to purchase their own homes, with 98% buying a home for the first time.

OIA assessed current compliance with the Texas Government Code Chapter 2306 *Texas Department of Housing and Community Affairs* (TGC) and Texas Administrative Code (TAC) 1 Part 10, Chapters 27 *Texas First Time Homebuyer Program Rule* and 28 *Taxable Mortgage Program* (TMP); reviewed activities of the internal resources dedicated to the Program; validated the process of creating and mailing Mortgage Credit Certificates (MCC); evaluated vendor procurement, management and monitoring procedures; evaluated available Homebuyer Education courses; and reviewed current program specific Standard Operating Procedures (SOP). Further details regarding testing procedures may be found in Sections E, F and G of this report.

B) BACKGROUND

As the State's primary housing facilitator for the benefit of cost-burdened, low-income Texans, TDHCA provides financing to enhance the ability of Texans who would otherwise be unable to do so, to reach the dream of home ownership. Home ownership is the chief wealth accumulation vehicle for most Americans, so providing assistance in the form of low interest loans, down payment assistance, and reduction of federal tax liability (in the form of MCCs) to low and very low-income Texans can be transformative.

TGC Section 2306.142 "Authorization of Bonds" confers the authority to TDHCA to conduct and market the Texas Homeownership Program:

"g) The department may use any source of funds or subsidy available to the department to provide credit enhancement, down payment assistance, pre-homebuyer and post-homebuyer counseling, interest rate reduction, and payment of incentive lender points to accomplish the purposes of this section in a manner considered by the board to be consistent with the reasonable financial operation of the department."

TDHCA creates these opportunities by bringing together disparate investors, thereby spreading development and ownership risk across the market. By both issuing and acting as a conduit issuer for Mortgage Revenue Bonds (Bonds) as well as providing the Taxable Mortgage Program (TMP), TDHCA facilitates liquidity in the market in which these activities are funded. These funding sources allow for mortgage loans and down payment assistance; based on qualification of the buyer and product choice, the down payment assistance can range from 2-5% of the loan value.

There are four product offerings provided by the TDHCA Homeownership Program, noted by funding source:

- *My First Texas Home Program*: offers mortgage loan and down payment assistance opportunities to qualifying first-time buyers and veterans, including government 30-yr fixed rate mortgage loan options; funded through Bond issue.
- *Combo Loans with MCC*: qualifying homebuyers may combine a My First Texas Home loan with an MCC that reduces federal tax liability; funded by TMP for the loans and the US Treasury for MCCs.

- *My Choice Texas Home Program*: offers mortgage loan opportunities to qualifying first time and non-first time homebuyers, including government and conventional 30-yr fixed rate mortgage loan options; funded via the TMP.
- *Texas stand-alone MCC Program*: makes homeownership more affordable by providing first-time homebuyers, veterans and those who have not owned a home in the last three years, with an ongoing federal income tax credit for the life of the loan; funded by the US Treasury.

The Texas Homeownership Program staff fulfills the marketing function and advocates for the borrower by assisting all parties in finding the best fit for the specific borrower when necessary. The Bond Finance Division identifies and provides funding for the loans in the financial markets through Bond issue that supports the first time homebuyer products and the TBA (To Be Announced) market that supports the TMP, as described further below.

C) SCOPE AND METHODOLOGY

Our scope included a review of applicable portions of the Texas Government Code Chapter 2306 *Texas Department of Housing and Community Affairs* and Texas Administrative Code 1 Part 10, Chapters 27 *Texas First Time Homebuyer Program Rule* and 28 *Taxable Mortgage Program*; TDHCA reports to the Board including those providing authority for single family revenue bonds; review of loan transactions for compliance to applicable rules; review of MCCs creation and mailing; vendor procurement and monitoring documentation; approval of participating lenders; and the Standard Operating Procedures of Divisions tasked with managing aspects of the Texas Homeownership Program. Based upon our preliminary understanding of the Texas Homeownership Program we identified critical points and risk, to develop audit objectives and a methodology reflected in the detailed audit program.

We reviewed the Texas Homeownership Program to determine the Program’s goals as well as the underlying processes, roles and responsibilities; we included the review of workflow between divisions and vendors. We reviewed the controls related to the Texas Homeownership Program and tested certain transactions and controls described throughout Sections E, F and G. The Texas Internal Auditing Act, Tex. Gov’t Code §2102.005 requires auditing of a state agency’s major programs and systems.

D) TEXAS HOMEOWNERSHIP PROGRAM ACCOMPLISHMENTS

The Texas Homeownership Program was first codified by Texas Government Code in 1993 with various updates since that time. The Program is highly complex due to the layers of government oversight including the Internal Revenue Service, Department of Housing and Urban Development (HUD), and federally created entities such as Ginnie Mae and Freddie Mac, as well as Texas statute and rules and investor requirements. The number of partnerships that must be established and nurtured, as well as watching the markets for necessary adjustments by TDHCA, create additional intricacies that are unique to the Program and require financing expertise.

While activity has been fairly consistent over time, 2020 brought large increases to the Program due to the overall demand for housing during that time. The following is a list of accomplishments since 2020:

- Assisted 24,750 Texas homebuyers access The Texas Homebuyer Program by providing approximately \$5 Billion in first mortgages, down payment assistance and mortgage credit certificates;

- On-boarded 28 new mortgage lending institutions with 10 additional lenders in process of approval and issued approximately 4,800 new user credentials to loan officers and other lender staff for access to the loan reservation portal;
- 52,497 Potential borrowers completed the TDHCA free, online Homebuyer Education Courses;
- Partnered with local Housing Finance Corporations (HFC) to assist with generating awareness of their homeownership options. Through the initiative, the HFC was able to assist homeowners in their jurisdiction by providing over \$112,000 in additional down-payment assistance;
- Launched a new dynamic website- www.TheTexasHomebuyerProgram.com. The website is mobile friendly and provides helpful tools for consumers, lenders, Realtors and housing counselors. Upgraded the Homebuyer Education portal with increased accessibility components for hearing impaired homebuyers and edited components explaining required FICO scores for Homeownership programs to reflect current guidelines;
- Completed a comprehensive Strategic Marketing Analysis; currently integrating many of the suggested improvements to the Texas Homebuyer Program website as an ongoing project, including providing more targeted referral lists for Realtors and Lenders who are specialists in affordable home buying;
- Launched a monthly “Lender Lunch and Learn” series and provided specific programmatic training to approximately 2,200 lender staff (loan officers, processors, underwriters, closers, shippers, etc.);
- Trained over 400 Affordable Housing Specialist Realtors in collaboration with the Texas Association of Realtors from 2020-2022;
- Beginning in April 2021, Texas Homeownership staff was heavily involved with all aspects of the startup and design of the Homeowner Assistance Fund (HAF) including: assisting in the draft request to Office of the Governor; writing the first draft of the HAF Plan; establishing the HAF landing page on the TDHCA website; managing public notice and public comment for HAF plan; managing all incoming HAF calls and emails; requesting and monitoring the HAF inbox; promoting HAF initiative through numerous community engagement calls, meetings, visits, and webinars;
- Seamlessly transitioned Program staff from the normal in-office setting to remote working with no interruption to administration of program or level of responsiveness to program partners and consumers. Recently transitioned phone system to Jabber (a virtual phone system), which allows for straight-through access for customer service; and
- Integrated two new staff members in 2022 and implemented robust cross training for key functions, along with streamlining document retention systems and processes.

E) TEXAS HOMEOWNERSHIP PROGRAM STRUCTURE

- **Texas Homeownership Program Staff**

The primary focus of the Texas Homeownership Division (Division) is to advocate for the borrower by managing relationships with lenders, counselors, Realtors, and the vendors such as HDS/eHousing and Idaho FHA in order to make mortgage loans under the Bond and/or TBA programs and/or providing TDHCA MCCs. The Division generates public awareness of the TDHCA Homeownership options available in Texas. The programs have been marketed historically through a variety of outreach programs including direct calls, participation in homebuyer fairs and consumer events, specialized training for participating lenders and Texas Realtors, and industry trade shows and publications. During COVID, these outreach campaigns were inaccessible in-person; however, staff was able to participate in web based marketing events, homeownership fairs, State and National conferences and assist in initial HAF program community engagement efforts while simultaneously marketing the Homeownership Program and reaching areas that may not have been accessible before.

The technology and adaptation of new software provided by the Information Systems Division, staff was better equipped and even more accessible during the influx of demand during 2020 and into 2021.

The Division is composed of four employees that include one Director and a Business Development Officer; these positions are the primary outward view of the Division and are heavily involved in, including but not limited to: Program and product changes; training the entities bringing in loans including lenders, counselors, and Realtors; managing processes such as lender approvals and MCCs; and coordinating closely with the Bond Finance Division and other parties to monitor the financial and operational aspects of the Program. The team also has two support staff primarily focused on administration that includes customer service functions such as calls from the toll-free Texas Homebuyer hotline and answering the Texas Homebuyer dedicated email; creating and mailing MCCs; gathering and storing lender approval documentation; and posting rates to the Texas Homebuyer website, among other administrative duties.

Division staffing has remained constant despite the large increase in volume over the audit period and complexity of the Program since inception. According to Division management, the size and structure of the team are comparatively smaller than other state Housing Finance Authorities. Management could consider the Program's structure as it relates to vendors and internal resourcing to explore various options for administering and marketing the Program to reach more potential homebuyers.

- **TDHCA Bond Finance Division**

The Bond Finance Division consists of five employees, which includes the Director of Bond Finance (at the start of this audit, the title was Chief Investment Officer; the current position is vacant), Manager of Bond Finance, and three Senior Financial Analysts. The responsibilities and authority of the team includes, but is not limited to: providing financing of the Texas Homeownership Program through the Single Family Revenue Mortgage Bond, Taxable Mortgage Program and MCC Programs; managing the bond indenture and funds; managing down payment assistance Programs; working with outside bond counsel, financial advisors, investment bankers, and bond trustees in the issuance of Bonds; management of funds and programs; setting mortgage rates; and managing vendor relationships.

Both the Texas Homeownership and Bond Finance Divisions receive a contribution to their budgets from the excess funds from the indentures; therefore, the volume of TMP transactions can affect the amounts available for that purpose.

- **Lenders**

Banks, mortgage companies and other authorized entities are the conduit by which the single family loans are originated. These entities must file certain legal documentation with TDHCA and be approved by the Master Servicer to be listed on the TDHCA Texas Homebuyer Program website and authorized to lend funds under the Texas Homebuyer Program. TDHCA provides training and product expertise to the lenders, thereby assisting in the lenders meeting certain requirements through the Community Reinvestment Act (CRA). The CRA encourages certain insured depository institutions to help meet the credit needs of the communities where they are chartered, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of these institutions.

- **Counselors**

These individuals are financial counselors who provide information and assistance to individuals looking to improve their financial situation. TDHCA partnered with NeighborWorks America, a nationally recognized organization, to administer the Texas Statewide Homebuyer Education Program (TSHEP) prior to the

Pandemic. The goal of this program has been to teach local nonprofit organizations the principles and applications of comprehensive pre- and post-purchase homebuyer education; it also served as the method by which TDHCA certified participants as providers and allow them to be listed on the externally facing Texas Homebuyer Program website.

- **Realtors**

Any licensed Texas Realtor may participate in the Texas Homebuyer Program and assist their clients in finding homeownership; however, to be listed on the Program's website, they must complete Continuing Education courses as defined by the Texas Homeownership Program staff.

- **Issuer**

TDHCA is the issuer of Bonds for the primary purpose of providing funds for the origination of low cost mortgage loans to first time homebuyers. Those loans are packaged into mortgage-backed, pass-through certificates guaranteed as to timely payment of principal and interest by either the Government National Mortgage Association (Ginnie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac) or the Federal National Mortgage Association (Fannie Mae), which represent beneficial ownership of pools of the Mortgage Loans originated under the Program. These pass-through mortgage backed securities are held in the master trust indentures utilized for the MBS program.

- **Trustee**

The Trustee is the entity responsible for managing the Trust Estate under the indenture. The Trustee administers the funds or property specified in the indenture in a fiduciary capacity on behalf of the bondholders. Currently the Department's Trustee for single family bonds is Bank of New York Mellon.

- **Master Servicer**

The Master Servicer is a loan servicer that purchases, services and pools into mortgage backed securities, mortgage loans originated through the Department's Texas Homeownership Program. The Master Servicer issues the mortgage-backed securities through Ginnie Mae, Fannie Mae, or Freddie Mac. Currently, the Department's Master Servicer is Idaho Housing and Finance Association (IHFA).

The Master Servicer must be approved by Fannie Mae and Freddie Mac to sell and service conventional mortgage loans, and must meet all of the eligibility requirements, including current net worth requirements. In addition, on a monthly basis, the Master Servicer will provide TDHCA with an invoice setting forth the details of the amounts due to the Master Servicer, if any. Amounts due to the Master Servicer, after netting amounts owned by the Master Servicer to TDHCA, are paid by the relevant indenture.

- **Program Administrator**

The Program Administrator is the entity responsible for completing the Compliance Review (specifically for TDHCA's rules regarding the Program) of loan documentation and requirements after closing with selected lenders. Currently the Department's Program Administrator is HDS/eHousing. HDS/eHousing is responsible for onboarding and training lenders regarding TDHCA's Program compliance requirements. The various lenders complete the initial testing of the borrowers' eligibility to participate in the Program. HDS/eHousing verifies that the lenders have gathered the appropriate documentation that evidences borrower eligibility. TDHCA monitors eHousing's records on a periodic basis by Program and Bond Finance Division staff.

- **TBA Provider**

TBA stands for “To Be Announced” and is a private sector mortgage brokerage model whereby a party, the TBA Provider, commits to a price, based on a mortgage rate, for mortgage backed securities to be issued in the future and backed by mortgage loans not yet originated. Price commitments are typically reset each day, unless significant market movements occur, in which case the TBA Provider publishes a new price and rate sheet. Currently the Department’s TBA Warehouse Provider is Hilltop Securities.

The TBA program is designed to improve liquidity. Because of the speed of its execution of transactions, the TBA program does not involve the same degree of risk involved in the MBS market; within the TBA provider agreement, the Department’s TBA provider accepts both interest rate and delivery risk, thereby protecting the indentures. Mortgages can be delivered in a to-be-announced package; and there are criteria set by the parties, which TDHCA has determined will mirror the IRS requirements for MBS loans.

- **Warehouse Provider**

The Warehouse Provider is responsible for providing funds to the Master Servicer (IHFA) for the purchase of Mortgage Backed Securities (MBS) that will secure single family mortgage revenue bonds issued by the Department. The Warehouse Provider sells the same MBS to the bond Trustee (Bank of New York Mellon) as instructed by the Department, typically concurrent with issuance of the Bonds. Currently the Department’s Warehouse Provider is Hilltop Securities.

At the beginning of this audit, the Texas Homeownership Division reported to the Chief Investment Officer along with the Bond Finance Division. These reporting relationships created ownership of the entire process of administering the Texas Homeownership Program without segregation of duties including authorization, custody of assets, recording of transactions and reconciliation activity.

When reviewing the Program, OIA also identified vendor relationships that could be problematic from a segregation of duties control standpoint. Specifically, the Master Servicer, TBA Administrator, and Program Compliance should be separated; if one vendor manages any two of these functions, the segregation of duties would be diminished and create additional risk to TDHCA. For example, if the same vendor were to act as both TBA Administrator and Program Compliance, the vendor would have both authorization of the loans and custody of the underlying assets within the TBA structure. See **Exhibit A** for a visual representation of the current vendor relationships for the Program. See **Exhibit B** for additional guidance regarding segregation of duties.

Observation Number	Status Pertaining to the Recommendations and Action to be Taken	Target Completion Date	Responsible Party
22-003.01	OIA recommends that segregation of duties between authorization, asset custody, recordkeeping, and reconciliation be maintained to ensure the Program meets its stated goals and objectives. Should these duties be combined in the future, additional compensating controls may be necessary to avoid undue risk to TDHCA.	8/31/2022	Deputy Executive Director of Program Controls and Oversight

Management Response:

Management will evaluate to determine appropriate segregation of duties and controls.

F) Processes and Flow of Transactions

Homebuyer and Counselor Education

One of the primary functions of the Texas Homeownership Program staff is to provide homebuyer education to both potential borrowers and the counselors who assist them. The counselors play an important role in the Program by working with potential borrowers to determine feasibility of applying to the Program. Their interest is focused completely on the borrower and their specific situation as to what options are available to them. Along with the lenders and Realtors, these individuals use the Program’s marketing materials and resources to advise borrowers about the various loans and down payment assistance for which they could qualify.

In 2021, Program staff implemented a new website, www.TheTexasHomebuyerProgram.com that presents resources for potential homebuyers, counselors, lenders and Realtors. The website is the home of the Texas Homebuyer University courses for learning about mortgages and Mortgage Credit Certificates. The general homebuyer education course (“Becoming a Homeowner”) includes important topics such as the advantages of homeownership, lender credit requirements, qualifying income levels, and details of how mortgages work. The MCC course outlines the benefits of the credit, how it can be used to offset income tax liability, and limits upon its use (such as recapture provisions).

Borrowers are required by the Program to obtain homebuyer education to apply for a loan, down payment assistance, and/or MCC; along with TDHCA’s Texas Homebuyer University courses, the Program accepts other accredited training such as from a HUD certified counselor. Ongoing homeownership education and counseling for the borrowers is offered by IHFA.

The Texas Statewide Homebuyer Education Program (commonly known as TSHEP) was codified in TGC Section 2306.253 in 1997. The Code states:

“(a) The department shall develop and implement a statewide homebuyer education program designed to provide information and counseling to prospective homebuyers about the home buying process.”

Historically, the Department has employed TSHEP as a five day, in-depth training and discussion in partnership with NeighborWorks, a nationally recognized organization that also includes a large network of counselors. The training sessions are focused to “train-the-trainer” to maximize impact of the training investment. The courses had been highly successful in generating interest and knowledge of the TDHCA Homeownership Program.

Observation Number	Status Pertaining to the Recommendations and Action to be Taken	Target Completion Date	Responsible Party
22-003.02	OIA recommends that the TSHEP educational program be reviewed to determine strategy for implementation as in-person activities have resumed.	8/31/2022	Texas Homeownership Division

Management Response:

Historically, through various Divisions, TDHCA has met the statutory requirements of 2306.253 through the Texas Statewide Homebuyer Education Program (TSHEP). The Division assumed the role from the Housing Resource Center of overseeing TSHEP and has had tremendous success in training hundreds of counselors through the years. In 2016, the Division launched Texas Homebuyer U, offering free online homebuyer education courses

available in both English and Spanish. The “Becoming a Homeowner” online homebuyer course aligns with the National Industry Standards for Homebuyer Education and Counseling. Additionally, Texas Homebuyer U offers a course specific to the benefits and responsibilities of a Mortgage Credit Certificate. Approximately 100,000+ potential homebuyers have completed the trainings since inception. It is important to note that by offering an online platform we have been able to expand access to homebuyer education statewide and to the least likely to apply. It has been determined by TDHCA that through the availability of this online course, statutory requirements of 2306.253 are met. Although in-person activities have resumed, many organizations have adapted and shifted to virtual events and acknowledge a higher outreach all over Texas since it is more accessible for both organizers and the attendees. Virtual methods have proved to be efficient and to have expanded reach and reduced costs. It has become in many instances a replacement to in-person activities in difficult to reach areas where the least likely are to apply. Staff will re-evaluate if in person courses are needed.

Mortgage Lender Participation

The Texas Homeownership Program staff is tasked with generating awareness of the Program among mortgage lenders through marketing and other outreach activities. eHousing coordinates closely with the Division to provide detailed training as necessary, as well as answering lender calls and questions. Recently, the Division implemented webinar-based, interactive “Lender Lunch and Learn” sessions to enhance outreach to the lenders, especially during the time of the Pandemic and massive increase of activity during 2020-21.

Any qualified lender can participate in the Program if they meet the established requirements and guidelines. The mortgage lender approval process is a shared process between TDHCA and Idaho FHA. Interested mortgage lenders are required to submit an IHFA Lender Approval Packet directly to IHFA along with the TDHCA Lender Application Packet submitted directly to TDHCA.

The TDHCA Packet includes the Application to Participate in the Program, Master Mortgage Origination Agreement and/or Master MCC Program Participation Agreement, Lender Form of Board Resolution, the Lender Opinion of Counsel, and a confirmation of the IHFA Lender Application submission. Final TDHCA approval is given once IHFA determines that the lender meets the requirements of transferring the loan to IHFA to prepare it for securitization within resulting Mortgage Backed Securities.

Once all the documents are submitted and reviewed, TDHCA notifies the Applicant and informs eHousing of their approval of the new participating lender. eHousing is in charge of setting up any necessary system access, forms, and training for the lender.

OIA reviewed lender Program participation documentation to verify approvals as noted above. We used a random number generator to select 25, or 10%, of the lenders listed on the Approved Lenders list from the eHousing website; we tested to verify that all required documentation was in place with TDHCA. Test results indicated several inconsistencies in retention of the files; however it should be noted that there was a transition of the paper documents to digital that had not been completed and in process. In addition, as the Division recertifies the lenders annually, the documentation is being brought up to date through the recertification process.

OIA also tested loan transactions to ensure the loans were originated by approved lenders by comparing the lender name to the Approved Lender list on the eHousing system. No exceptions were noted in this testing.

Observation Number	Status Pertaining to the Recommendations and Action to be Taken	Target Completion Date	Responsible Party
22-003.03	OIA recommends that the Program staff continue with its efforts to manage the tracking of the lender approval documents along with retention of the underlying files.	8/31/2022	Texas Homeownership Division

Management Response:

Beginning in February 2022, the Division began to implement a new electronic tracking mechanism that will be included in the updated SOP. In addition to eHousing training, the Division includes an additional layer of one on one lender onboarding training on specific Division processes, procedures and loan guidelines, once a lender has been approved.

Loan Reservation and Program Compliance

Once the borrower has applied for a loan with an approved lender, the lender reserves the loan within the eHousing system. These reservations are tracked and reported by eHousing; balances by loan type and Bond tranche are readily available to authorized users online. At the point of reservation, eHousing gathers the required compliance documentation to ensure adherence to Program rules such as verifying first time homebuyer status (as applicable), affidavits regarding occupancy and use, and that income as well as home purchase price are within prescribed limits.

OIA noted that during the audit period, there was an unexpected overage on the loan reservation for the Program 99 Bond (P99) allocation. Every bond issue is over reserved by at least 20% to ensure all funds are utilized. Because loans take several months to move through the pipeline, managing the level of reservations for each bond program is a balancing act between over and under reservations. If too many loans are reserved, additional loans are delivered into the next bond transaction or through the TMP Program. If too few loans are reserved, bonds will be called from unexpended proceeds; investors view an unexpected bond proceeds redemption negatively, and this will impact future bond sales. To reduce the risk of calling bonds, each bond program is routinely over reserved approximately 20% based on historical pipeline cancellation rates, as directed by the Bond Finance Division.

At the beginning of the reservation period for P99, allocations were established within the eHousing system to accept an additional 20%. Every Wednesday, the Bond Finance Division reviews the pipeline, prepares projections and emails the summary analysis to Bond Finance, Homeownership, and the Department’s financial advisors. In this case, over reservations on P99 above the established 20% threshold were from the rapid and significant increase targeted area demand and the requirement to fulfill those reservations at P99 mortgage rates after the regular allocation was fully reserved. This situation had not occurred in the past due to more stability in interest rates. Targeted area allocations are managed in accordance with guidance from counsel to comply with federal regulations; this guidance is reviewed with each Bond transaction.

The Department’s continuous funding model allows the flexibility of delivering loans into either the TMP or Bond Programs. Due to the rapid rise in market interest rates, it is more efficient and to the benefit of TDHCA’s

borrowers to settle lower rate targeted area loans through the bond program rather than the TMP Program. The P99 targeted area loans will be purchased with bond proceeds from Program Bond 100 (P100). The offset of lower rate targeted area loans will be absorbed within the Bond indentures; mortgage rates for P100 remain below those offered through the TMP program.

Given the need to make decisions based on market conditions, and that volatility can happen at any time, management could consider additional sensitivity analysis to help guide decisions going forward.

Observation Number	Status Pertaining to the Recommendations and Action to be Taken	Target Completion Date	Responsible Party
22-003.04	OIA recommends increased frequency of monitoring of reservations as they reach the amount determined by Bond Finance, coordinated with Texas Homeownership Program management. In addition, targeted area allocations should be reviewed consistent to the monitoring of loan reservations, at the same frequency.	Complete	Bond Finance Division

Management Response:

The Bond Finance Division agrees to increase the frequency of pipeline reporting from once weekly to at least twice weekly when a program is 75% reserved, and will continue to distribute the pipeline analysis to management. Targeted area allocations will continue to be reviewed with counsel for each bond transaction and reservations will be monitored accordingly.

OIA used a random number generator to select sample of loans on the eHousing compliance system for the 2021-22 period and reviewed both the system information and underlying documents for compliance to the TAC rules for all products. Borrowers’ occupations included teachers, state employees, police officers, and construction workers, revealing a wide range of livelihoods of the persons served by the Program. No exceptions to compliance testing were noted.

During the sample testing, and per review of the Texas Homebuyer email inbox, OIA noted that occasionally exceptions are made that include but are not limited to: the one acre requirement stated in the Master Mortgage Origination Agreement (this is steadily increasing as more borrowers access manufactured homes due to the large increase in Texas home prices); working with lenders and IHFA for debt-to-income ratios over the limit of 55% (where IHFA has the final decision due to investor requirements); and omission of documentation for homebuyer education.

Observation Number	Status Pertaining to the Recommendations and Action to be Taken	Target Completion Date	Responsible Party
22-003.05	Exceptions to stated policy and contract obligations should be tracked and analyzed to determine the number of exceptions and their impact so that appropriate changes may be made where necessary.	8/31/2022	Texas Homeownership Division

Management Response:

The Division self-identified and implemented a process to retain exemption requests. Through this process the Division will analyze for potential trends and recommend policy updates as needed.

Loan Purchase and Administration by Master Servicer

IHFA determines compliance of the loans post-closing to ensure that the loans can be packaged into the MBS pass-through securities. Once approved, these loans are loaded onto the IHFA system, HomeLoanServ, and serviced throughout the life of the loan. It should be noted that if the loan is not approved for purchase, the lender is not reimbursed for that loan and must retain or otherwise dispose of the loan. Since the lenders are to underwrite based on Agency guidelines, TDHCA holds them responsible for this requirement through the IHFA purchase review and approval process. Per management, this situation happens rarely and IHFA works with the Division as well as the lenders to clarify and address it.

IHFA provides customer service and counseling for the borrowers as well as processing payments and other transactions such as loan payoffs, managing escrow balances, and handling delinquent accounts for both first lien mortgages and any down payment assistance loans.

While reviewing the process for loan servicing, OIA found that there are duplicative processes occurring specifically for the TDHCA owned down payment assistance loans. Since 2016, monthly, IHFA provides a spreadsheet to TDHCA for all new loans, payments, and payoffs. Prior to upgrade in 2021, the TDHCA Loan Servicing Division handled all input into MITAS (TDHCA’s loan servicing system) manually. During the upgrade, MITAS automated a portion of the input through system uploads, although not all manual activity has been eliminated. There is a monthly reconciliation between the two systems, HomeLoanServ and MITAS. Review of these reconciliations and discussions with staff revealed that the differences are small and usually timing differences.

The Bond Finance Division stated that the decision was made to further protect the interest of the bondholders since the DPA loans are held in trust. However, the Bond Finance Division takes data directly from the IHFA system for its financial analysis rather than from the internal TDHCA system (MITAS). Financial Administration stated that because the TDHCA down payment loans are held as assets in the Trust, as opposed to the first lien mortgages that are securitized and sold, that there is a need to have the loans processed through MITAS and the accounting system. It seems that loan detail could remain on the system of record, the IHFA HomeLoanServ system, with the balances input to the accounting system thereby eliminating the need for detail-level duplicate processing.

Observation Number	Status Pertaining to the Recommendations and Action to be Taken	Target Completion Date	Responsible Party
22-003.06	OIA recommends that management determine if the benefits of maintaining detailed records for loans on both the IHFA and TDHCA systems outweighs the costs of doing so. If not, then current resourcing could be allocated to more necessary tasks.	1/31/2023	Director of Financial Administration; Manager of Loan Servicing

Management Response:

Financial Administration and Loan Servicing will collaborate to evaluate the monitoring and reconciliation processes of down payment assistance to determine if utilizing only an outside source for loan activity will create any significant risks for the Department that will outweigh any efficiencies.

Mortgage Credit Certificates

Mortgage Credit Certificates (MCCs) are reserved and reviewed for compliance by the eHousing staff. These certificates are generated monthly through a process by which eHousing provides a spreadsheet with the required information to TDHCA; the Division takes these files, manually changes all social security numbers to the last four digits; then creates a cover letter and the MCC in-house. The reason for this exception process is that eHousing does not include any part of the social security number on MCCs for any other client due to privacy concerns. Bond counsel has determined that at least the last four digits are required per the IRS.

When reviewing the sample of MCCs selected, OIA found no exceptions regarding the information that is provided on the documents. However, we did note that the process is completed by one party without independent review by another individual. Since the process is manually intensive, and the data must be changed on the file before the documents are generated, an independent review would be useful.

Observation Number	Status Pertaining to the Recommendations and Action to be Taken	Target Completion Date	Responsible Party
22-003.07	Due to the manual nature of the process, OIA recommends that the Division implement a secondary review of the MCCs prior to mailing.	8/31/2022	Texas Homeownership Division

Management Response:

The Division agrees and will initiate a quality assurance process for MCC Issuance. The SOP will be updated to reflect the new quality assurance process.

Vendor Procurement and Monitoring Procedures

Because vendor relationships are critical to the Texas Homeownership Program’s success, it is paramount to take great care in the Request for Proposal (RFP) process. Proposals are requested at an interval determined by management. OIA reviewed the most recent RFPs solicited for the three functions currently filled by vendors: Program Compliance (eHousing), TBA / Warehousing (Hilltop), and Loan Servicing / Investor Compliance (Idaho FHA). OIA also reviewed the monitoring procedures in place for these vendors addressing ongoing and daily activity; monthly and annual reviews; and audit or contract compliance activity.

Based on our review, it appears that the RFP process should be reviewed to enhance transparency and adherence to the process. One of the RFPs reviewed did not have nepotism or Conflict of Interest forms on file; there were errors in the scoring process that were not caught through multiple reviews by different Divisions; and the team did not seem to fully understand the rules and requirements of the evaluation team.

This situation appeared to be impacted at least partially by staff turnover, but additionally there is not a centralized database tracking the various contracts managed by TDHCA so that RFPs can be planned well ahead of the contract expiration dates. Reliance is placed on the Program areas to initiate these RFPs, so that the Procurement area is in reactive mode to post the information and manage the process, which should be expected to take around six months. Discussions with management revealed that there may be a Department of Information Resources approved technological solution available utilized by several State agencies; however priority and resources have not been allocated to analyze and implement such a solution. The Procurement Division has recognized these concerns and is updating procedures to address them.

Vendor oversight and monitoring, especially in this particular Program, is critical to ensuring that vendors are performing all contract obligations and to be aware of and address any developing problems or issues. As stated in Statewide Procurement Division documentation,

“Agencies should implement a monitoring system that has well-defined follow-up actions. The results of monitoring efforts should be periodically reviewed by the Contract Manager to

- *Ensure corrective actions have been taken,*
- *Identify common problem areas that might require training, and*
- *Improve contract requirements for future contracts.*

Agencies may select from different monitoring methods including desk reviews, site visits, and third-party monitoring. Other monitoring methods include status telephone calls, expenditure document review, spot audits, and scheduled audits.”

For the three vendors currently in place, OIA reviewed the process of monitoring the vendors:

- *Idaho FHA and Hilltop:* status calls, activity reports (daily and monthly), and consistent communication amongst the parties were the primary methods utilized.
- *eHousing:* status calls, activity reports (accessible on the eHousing system), consistent communication amongst the parties existed as well as a desk review or onsite visit performed by the Division on a biennial basis.

Because of TDHCA’s heavy reliance on these vendors, they pose risks regarding performance as well as information security and privacy. TDHCA could partially mitigate these risks by requesting Service Organization Control Reports (commonly called SOC reports) applicable to the vendor’s processing and reviewing them for any issues and complementary user entity controls. Applicable SOC reports take care to point out what controls must be in place at TDHCA in order to rely on the vendor’s controls.

Currently this type of monitoring is being done to some degree in the Financial Administration and Information Systems Divisions; however not all high-risk vendors are considered nor are these procedures applied to them. TDHCA depends on many different vendors to implement various aspects of the Department’s Programs and activities; in the past two years, the reliance on vendors has increased and is expected to continue. In order to appropriately manage the risk presented by the management of these vendor contracts, procurement (pre-award) and monitoring (post-award) procedures should be strengthened to more completely manage and report performance of the vendors.

Observation Number	Status Pertaining to the Recommendations and Action to be Taken	Target Completion Date	Responsible Party
22-003.08	OIA recommends that the Procurement Division continue its efforts to improve the RFP process including monitoring of contract expiration dates, timing of RFPs, and training evaluators about their responsibilities within the process. Technological solutions should be considered.	12/31/2022	Manager of Financial Services
22-003.09	Vendor management monitoring should be strengthened with a risk-based assessment of each contract and management decision on how the contract is monitored; then implemented as deemed necessary.	12/31/2022	Manager of Financial Services

Management Response:

The Procurement Division will continue its efforts to monitor contract activity in order to advise business users regarding the timing of upcoming RFPs. It will also evaluate the RFP process to implement guidance to business users on how to establish processes that will facilitate their contract monitoring to provide feedback to the Procurement Division.

G) TESTING AND REVIEW

As part of the audit, OIA held multiple interviews with management and staff and reviewed samples of transactions selected either randomly or judgmentally based on the ability to stratify and normalize the population. Transactions included those in the lender approval, Mortgage Credit Certificate, and loan compliance (to Program rules). Detailed transactions were reviewed for timely monitoring and resolution within the various options by tracking them within the processes noted above, ensuring appropriate authorization and verification at key control points. In addition, as noted in Section B, OIA reviewed applicable Texas Government Code and Texas Administrative Code, as well as Division level SOPs to confirm uniformity. Based on our reviews the Texas Homeownership Program is accomplishing its overall mission of facilitating (primarily first time) home ownership for low- and moderate- income households.

An SOP defines expected practices in a process where quality standards exist and plays an important role in any division. They are policies, procedures and standards needed to operate in a successful way. They can create efficiencies, consistency and reliability, fewer errors, and add value to the Division. In our review we noted that the Texas Homeownership Division did not have current SOPs in place.

Observation Item Number	Status Pertaining to the Observations and Actions to be Taken	Target Completion Date	Responsible Party
22-003.10	OIA recommends that the Texas Homeownership Program staff establish written SOPs for appropriate processes, signed and dated by management, for consistency and efficiency of the operation.	8/31/2022	Texas Homeownership Division

Management Response:

The Division is currently working on updating existing policies and procedures that are consistent with new processes and to clarify current operations.

H) OTHER AUDIT WORK

OIA has conducted audits of Bond Finance (2017), the Management of Non-Performing Loans (2021) that OIA utilized in the context of reviewing the Texas Homeownership Division. TDHCA contracts with the Texas State Auditor's Office (SAO) to conduct annual financial statement audits of the Revenue Bond Program and the Agency as a whole. The latest audit was issued in December 20, 2021, and stated that the financial statements were presented in accordance with Generally Accepted Accounting Principles (GAAP).

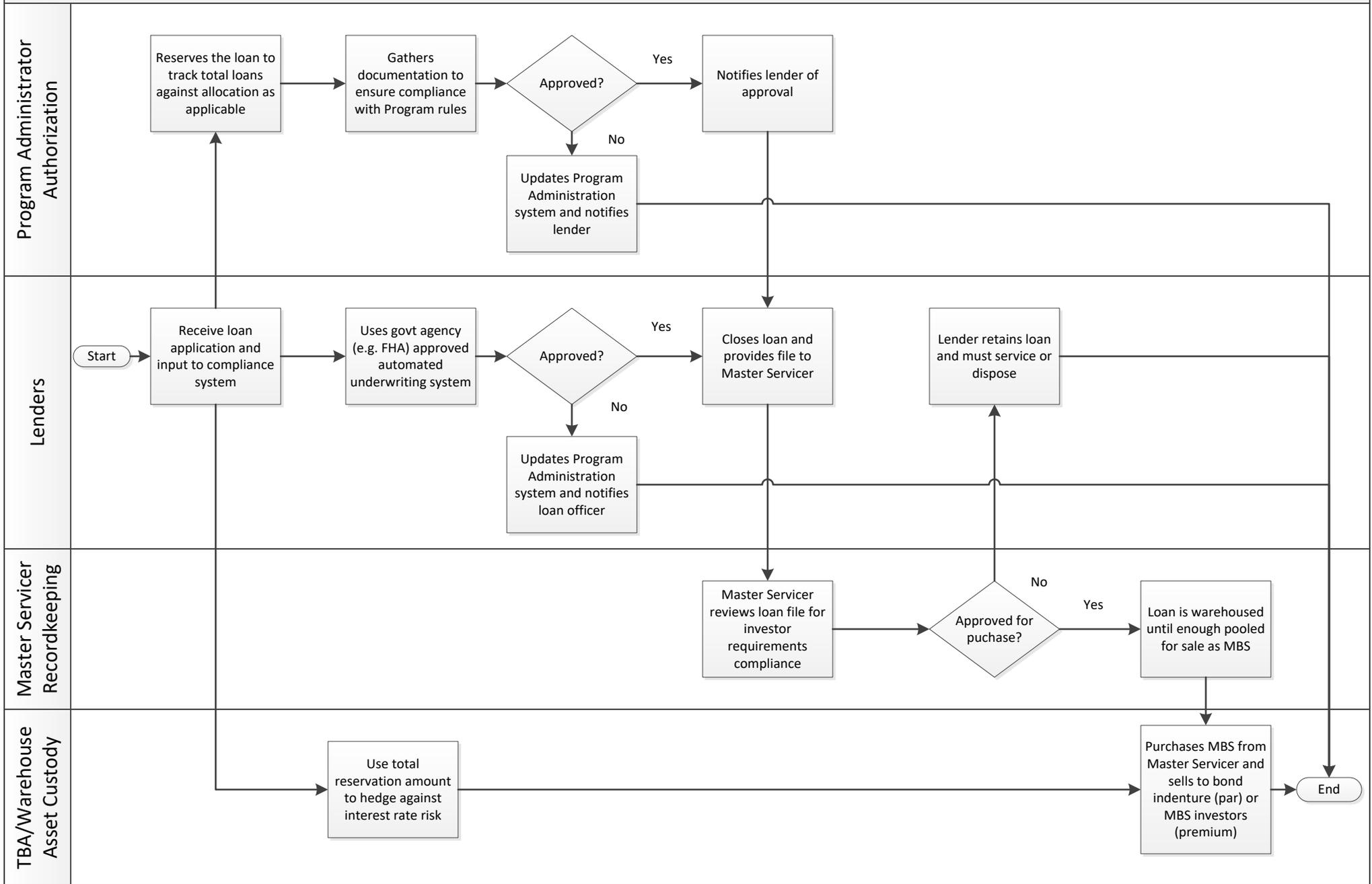
OIA extends our sincere appreciation to the Texas Homeownership Division, Bond Finance Division, the Legal Division and the Financial Administration Divisions for their cooperation and assistance during the course of this audit.

Sincerely,



Mark Scott, CPA, CIA, CISA, CFE, MBA
Internal Audit Director

MS,SN



Note: TDHCA Bond Finance Division fulfills the reconciliation function.

What is Segregation of Duties?

Segregation of Duties (SoD) is an internal control measure that all organizations should adopt to stop error and fraud, and is especially important when complying with regulations like the US Sarbanes-Oxley Act of 2002 (SOC). SoD ensures that more than one person carries out the tasks required to bring a sensitive business process to completion.

An employee with multiple functional roles within an organization can exploit their knowledge and power. This is why SoD should be a key part of any effective risk management approach in any enterprise.

A basic principle of SoD is that one person should never be responsible for any complete business task, when that task has an implication on the company's security, financials, or financial reporting. For instance, one person can make an order from a supplier, but a different person needs to record the transaction for that order. This dramatically reduces the risk of fraud—for example, by preventing individuals making illicit orders and then failing to report the transactions, or reporting them with the wrong value.

Examples of Roles that Require SoD

Here are a few organizational roles that commonly require segregation of duties:

- Record keeping roles—individuals who create and maintain financial records for an organization's transactions must be segregated from issuing or approving those transactions.
- Authorization roles—individuals who evaluate and approve transactions should be segregated from recording, reconciling, or reviewing those transactions.
- Asset custody roles—individuals who manage or access physical assets like inventory or cash, should not also be responsible for recording inventory, reconciling bank accounts, or approving transactions.
- Reconciliation roles —individuals who control and check that transactions have been correctly completed should be segregated from requesting or approving transactions.